

PLANNING COMMISSION REPORT



MEETING DATE: February 11, 2004

ITEM NO. _____

GOAL: Coordinate Planning to Balance Infrastructure

SUBJECT

North Scottsdale Horseman's Park - 1-AB-2004

REQUEST

Request to consider the following:

1. Abandon the 33-foot wide General Land Office (GLO) patent roadway and public utility easements located along the north, east, and west sides of parcel 217-14-001 and along the east side of parcel 217-14-035.
2. Dedicate a 45-foot half street right of way for McDowell Mountain Ranch Road.
3. Dedicate a 45-foot half street right of way for 98th Street.
4. Dedicate a 15-foot wide public access easement along the Old Verde Canal at time of lot development.

OWNER

North Scottsdale Horseman's Park LP IV
480-948-1254

APPLICANT CONTACT

Charlie Potter
Kimley-Horn & Associates
602-944-5500

LOCATION

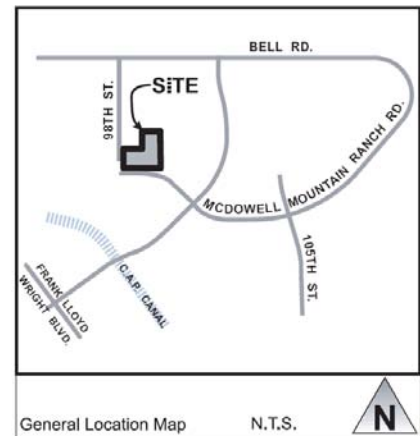
16039 N 98th St

BACKGROUND

Background.

The subject 33-foot wide GLO federal patent roadway and public utility easements were dedicated on the original GLO patent deed to assure access to the property.

This property is undeveloped. There is an existing stub street at the northwest corner of lot 35 which will provide future access to this site. 98th Street and McDowell Mountain Road right-of-way is required for dedication and will also provide access to this site.



General Land Office Patent Easements (general information).

- Within the City of Scottsdale there are General Land Office (GLO) lots or parcels of various sizes created by the Federal Small Tract Act. This act was passed in 1938 and repealed in 1976.
- These GLO lots were patented with 33 feet roadway and public utility easements typically "as near as practicable to the exterior boundaries".
- The city has viewed these patent roadway and utility easements as assured access at least until a local circulation plan is established.
- As GLO lots come in for development (i.e. lot splits, subdivisions or requesting building permits) staff requires city right-of-way dedications

per our circulation plans. The city's transportation plan establishes a street system to replace the grid pattern created by the GLO easements.

- Any patent easements in excess of the current requirements to the circulation plans (including trails), roadway standards, and not required to insure access to any other lot, may be requested to be abandoned.
- On 1981, City Ordinance 1386 was adopted delegating the authority for the release of GLO easements to the Engineering Services Director.
- On March 2, 1999, the City Council repealed Ordinance 1386 and adopted Ordinance 3219 which requires the abandonment of the GLO patent roadway easements to go through the same public hearing process currently used for all right-of-ways, alleys, and roadway easements. The City Attorney's office has concluded that this process for consideration of GLO roadway abandonment satisfies legal requirements.

The subject GLO roadway easements were reserved on the original patent deed to assure legal access. Currently the 33-foot wide GLO easements are unimproved.

Zoning.

The site is zoned Single Family Residential Planned Community Development with Environmentally Sensitive Lands overlay (R1-35 PCD ESL). These zoning districts allow for single-family residential development.

Context.

The McDowell Mountain Ranch master planned community is located to the northeast of this site and the master planned West World is located to the south.

APPLICANT'S PROPOSAL

Goal/Purpose of Request.

This request is to abandon the city's interest in the 33-foot GLO roadway and public utility easements located along the north, east, and west property lines of lot 35; and along the east property line of lot 36. There are no existing street improvements in this subject easement.

Key Issues.

CITY IMPACT:

- Eliminates the city's interest in the subject GLO easements.
- Dedicates right-of-way for 98th Street and McDowell Mountain Road.
- Dedicates a public access easement along the old Verde Canal.
- Maintains consistency with city street standards as approved by the City Council in the October 2003 Streets Master Plan.

NEIGHBORHOOD IMPACT:

- Eliminates potential roadway impacts along the side and rear areas of adjacent single-family residential lots.

IMPACT ANALYSIS

Departmental Responses.

City Department/Division participants concur with this abandonment request. See Department Issues Checklist (Attachment #1).

Transportation Impact Summary:

The subject parcel is located in a grid pattern street area north of McDowell Mountain Road and west of Thompson Peak Parkway (see Attachment #2). The property is located on the north side of McDowell Mountain Road and east of 98th Street, which are major collector roads that provide access to adjacent streets and properties.

These 33-foot wide GLO easements are not necessary as public street right-of-way due to the grid street system. The properties to the north and east have access from local subdivision streets. There is an existing stub street at the northwest corner of lot 35 which will provide access to the portion of this property north of the Old Verde Canal. A 45-foot half right of way will be dedicated along 98th Street and McDowell Mountain Ranch Road for future access to lots 35 and 36. These 33-foot wide GLO easements can be abandoned with no negative impacts to the area street system or access to the site.

Trails Impact Summary

A trail is planned along the Old Verde Canal and a public access easement will be dedicated across the canal.

Community Involvement.

The property owner has contacted the surrounding property owners. At the time of this report, the city has not received any objections.

Community Impact.

As described above, portions of the subject roadway easement will be dedicated for trail and right-of-way purposes. Those areas outside of the areas of dedication are not planned for improvement as part of the city's street system, city's trail system, or public utility infrastructure.

OPTIONS AND STAFF
RECOMMENDATION

Recommended Approach:

Staff recommends approval.


RESPONSIBLE
DEPT(S)

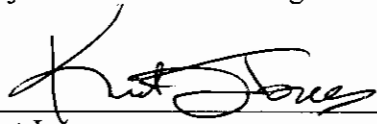
Planning and Development Services Department

STAFF CONTACT(S)

Kira Wauwie
Project Coordination Manager
480-312-7061
E-mail: kwauwie@ScottsdaleAZ.gov

APPROVED BY


Kira Wauwie
Project Coordination Manager


Kurt Jones
Interim Current Planning Director

ATTACHMENTS

1. Departmental Checklist
2. Context Aerial
3. Detail Aerial
4. Area Trails Plan
5. City Notification Map
6. Site Plan

CASE 1-AB-2004

Department Issues Checklist

Transportation

☒ Support

A road will be extended to the north half of lot 35 at the time of development for access to that lot. 98th Street and McDowell Mountain Road will provide access to the properties upon the dedication of 45-foot half right-of-way for streets.

Trails

☒ Support

A 15-foot wide public access easement will be dedicated along the Old Verde Canal.

Adjacent Property Owner Notification

☒ Support

All adjacent property owners have been notified and have not objected to the abandonment.

Public Utilities

☒ Support

Letters of support from the affected public utility companies are on file with the City of Scottsdale and no reservations are necessary.

Emergency/Municipal Services

☒ Support

The new street(s) created with dedication and future development will provide emergency and service vehicle access.

Water/Sewer Services

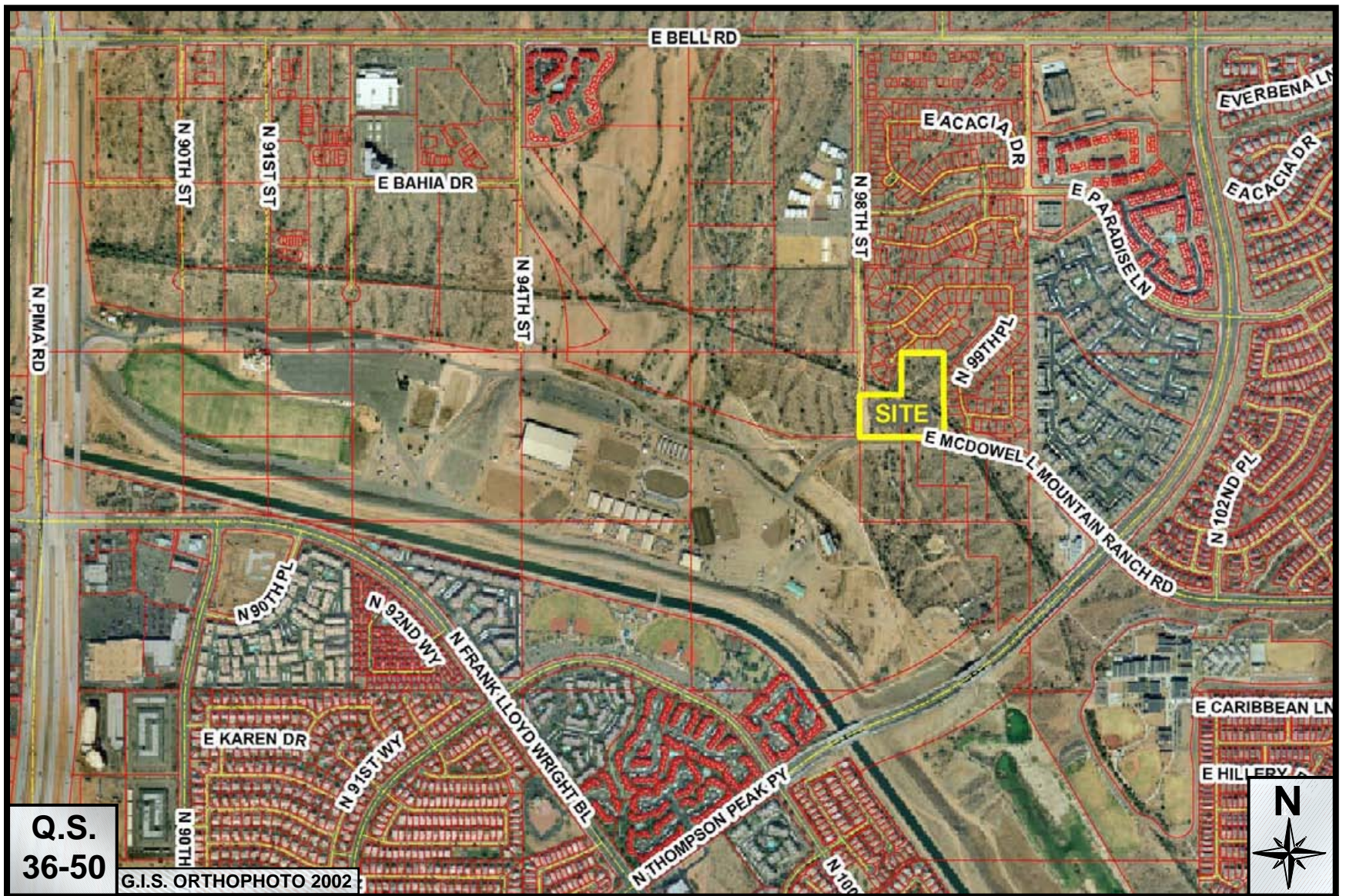
☒ Support

The Water Department supports this request.

Drainage

☒ Support

The abandonment action will not alter drainage for this or adjacent properties. At the time of submittal for a development plan, the drainage impacts will be evaluated in more detail with the engineering plans.



Horseman's Park

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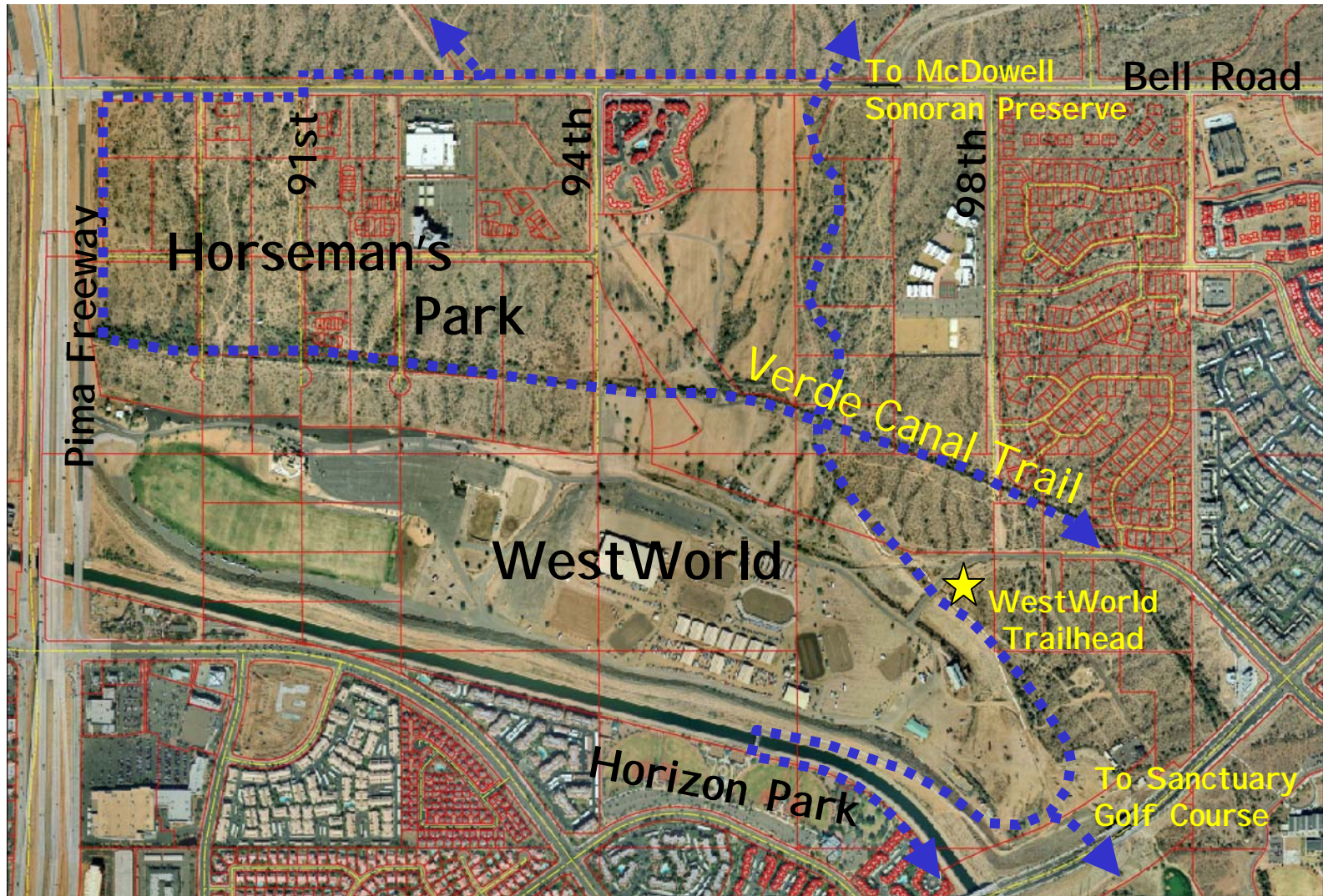
ATTACHMENT #2



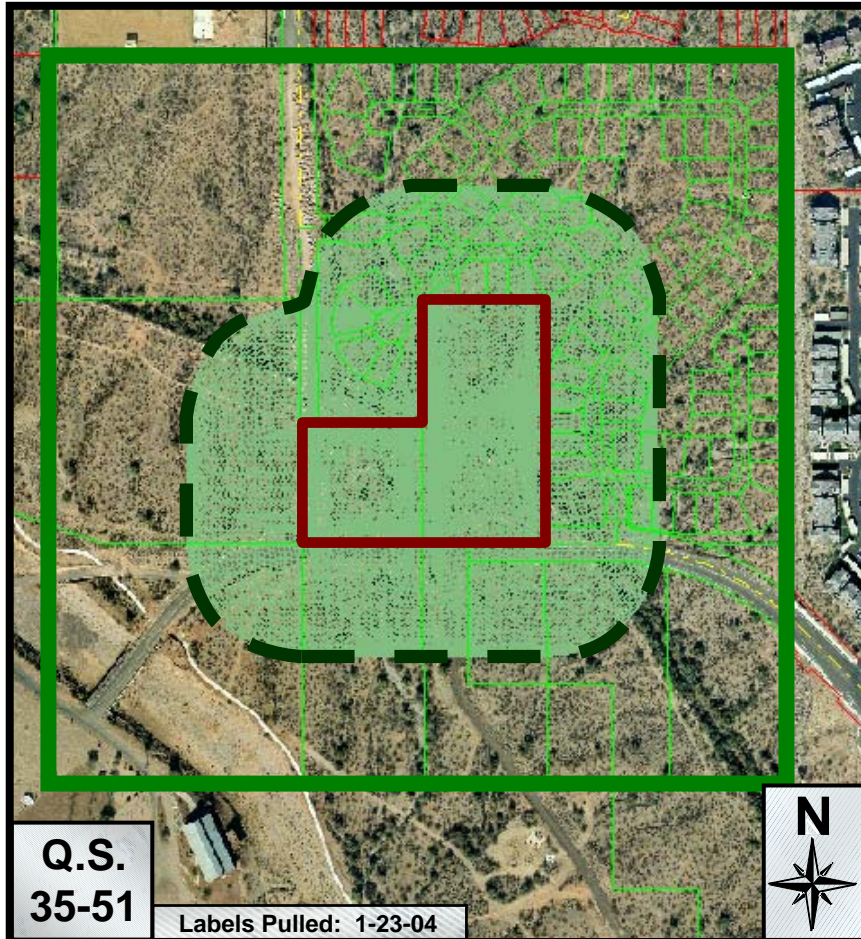
Horseman's Park

ATTACHMENT #3

Planned Trails in the Westworld Area



City Notifications – Mailing List Selection Map



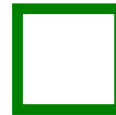
Map Legend:



Site Boundary



Properties within 300-feet



Extended Selection
(Additional properties notified)

Additional Notifications:

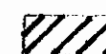
- Interested Parties List
- Horseman's Park HOA
- McDowell Mountain Ranch

North Scottsdale Horseman's Park

1-AB-2004

ATTACHMENT #5

ALTA / ACSM LAND TITLE SURVEY

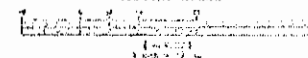


Proposed Esmt.
To Be Abandoned



SCALE 1" = 40'

GRAPHIC SCALE



LEGEND

- 1/4" LINE 1/4" = 10'
- 1/8" LINE 1/8" = 5'
- 1/16" LINE 1/16" = 2.5'
- 1/32" LINE 1/32" = 1.25'
- 1/64" LINE 1/64" = 0.625'
- 1/128" LINE 1/128" = 0.3125'
- 1/256" LINE 1/256" = 0.15625'
- 1/512" LINE 1/512" = 0.078125'
- 1/1024" LINE 1/1024" = 0.0390625'
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